

The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V₁

JESUS OCTAVIO RODRIGUEZ-PAYAN,

Defendant,

NO. CR17-233JLR

**ORDER GRANTING AGREED
MOTION TO CONTINUE TRIAL
AND PRETRIAL MOTIONS
DEADLINE**

This matter comes before the Court on the parties' Agreed Motion to Continue Trial and Pretrial Motions Deadline. This is a complex prosecution of an alleged drug trafficking organization arising out of a wiretap investigation. There is a significant volume of discovery, including substantial electronic media discovery that was recently produced to new defense counsel, who was appointed on September 3, 2019.

In light of these circumstances, the Court finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

**(PROPOSED) ORDER GRANTING MOTION TO CONTINUE
TRIAL AND PRETRIAL MOTIONS DEADLINE-I
U.S. v. Rodriguez-Payan, CR 17-233JLR**

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1 (b) a failure to grant such a continuance in this proceeding would likely result in a
2 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

3 (c) the additional time requested is a reasonable period of delay, as the defendant has
4 requested more time to prepare for trial, to investigate the matter, to gather evidence material
5 to the defense, and to consider possible defenses; and

6 (d) the ends of justice will best be served by a continuance, and the ends of justice
7 outweigh the best interests of the public and the defendant in any speedier trial, as set forth in
8 18 U.S.C. § 3161(h)(7)(A); and

9 (e) the additional time requested between the current trial date of November 4, 2019,
10 and the new trial date is necessary to provide counsel for the defendant the reasonable time
11 necessary to prepare for trial, considering counsel's schedule and all of the facts set forth above;
12 and

13 (f) the period of delay from the date of this order to the new trial date is excludable time
14 pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

15 IT IS THEREFORE ORDERED that the trial date in this matter shall be continued to
16 February 10, 2020 and that pretrial motions shall be filed no later than December 19, 2019.

17 DONE this 9th day of October, 2019.



21 JAMES L. ROBART
22 UNITED STATES DISTRICT COURT JUDGE

23 Presented by:

24 /s/ Cooper Offenbecher
25 Cooper Offenbecher

26 Attorney for Jesus Octavio Rodriguez-Payan

(PROPOSED) ORDER GRANTING MOTION TO CONTINUE
TRIAL AND PRETRIAL MOTIONS DEADLINE-2
U.S. v. Rodriguez-Payan, CR 17-233JLR

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